



City of Newport Beach

General Plan/LCP Implementation Committee Agenda

Newport Beach Civic Center – Newport Coast Meeting Room

100 Civic Center Drive

Wednesday, July 24, 2013 - 12:30 p.m. to 2:30 p.m.

Committee Members:

Edward Selich, Council Member (Chair)
Rush Hill, Mayor Pro Tem
Nancy Gardner, Council Member
Bradley Hillgren – Planning Commission Vice Chair
Fred Ameri – Planning Commissioner
Michael Toerge – At-Large Member

Staff Members:

Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director
Patrick Alford, Planning Manager

1) CALL MEETING TO ORDER

2) ROLL CALL

4) APPROVAL OF MINUTES

Recommended Action: Approve June 26, 2013 Minutes (attached)

5) CURRENT BUSINESS

- A. **Coastal Zone Mapping.** Presentation of a Coastal Zone map with potential boundary adjustments.

Recommended Action: Discuss potential boundary adjustments; provide direction to staff.

- B. **Coordination of LCP Amendments.** Review of a flow chart of LCP-related projects (attached).

Recommended Action: Provide direction to staff, as necessary.

- C. **Implementation Plan Land Use Chapters.**

Recommended Action: Receive draft IP chapters; review for discussion at next meeting.

6) COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

7) PUBLIC COMMENTS

Public comments are invited on agenda and non-agenda items generally considered to be within the subject matter jurisdiction of the Committee. Speakers must limit comments to three (3) minutes. Before speaking, we invite, but do not require, you to state your name for the record. The Committee has the discretion to extend or shorten the speakers' time limit on agenda or non-agenda items, provided the time limit adjustment is applied equally to all speakers.

8) ADJOURNMENT

This Committee is subject to the Ralph M. Brown Act. Among other things, the Brown Act requires that the Committee's agenda be posted at least seventy-two (72) hours in advance of each regular meeting and that the public be allowed to comment on agenda items before the Committee and items not on the agenda but are within the subject matter jurisdiction of the Committee. The Committee may limit public comments to a reasonable amount of time, generally three (3) minutes per person.

It is the intention of the City of Newport Beach to comply with the Americans with Disabilities Act ("ADA") in all respects. If, as an attendee or a participant at this meeting, you will need special assistance beyond what is normally provided, the City of Newport Beach will attempt to accommodate you in every reasonable manner. If requested, this agenda will be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations adopted in implementation thereof. Please contact the City Clerk's Office at least forty-eight (48) hours prior to the meeting to inform us of your particular needs and to determine if accommodation is feasible at (949) 644-3005 or cityclerk@newportbeachca.gov.

Attachment No. 1

Draft Minutes – June 26, 2013

City of Newport Beach
General Plan/LCP Implementation Committee Minutes

Date: June 26, 2013

Location: Newport Beach Civic Center – 100 Civic Center Drive
Corona del Mar Meeting Room – Bay E - Room 1016

Members Present: Edward Selich, Council Member (Chair)
Rush Hill, Mayor Pro Tem
Nancy Gardner, Council Member
Michael Toerge, Planning Commission Chair
Fred Ameri, Planning Commission Secretary

Members Absent: Bradley Hillgren, Planning Commission Vice Chair

Staff: Kimberly Brandt, Community Development Director
Brenda Wisneski, Deputy Community Development Director
Patrick Alford, Planning Manager
Dan Campagnolo, Systems and Administration Manager
Leonie Mulvihill, Assistant City Attorney

Public: Dorothy Kraus
James Mosher
Philip Bettencourt
Tom Mathews
Mike Mohler

1) CALL MEETING TO ORDER

The meeting was called to order at 3:30 p.m.

Members of the Committee, staff, and members of the public introduced themselves.

2) ROLL CALL

Planning Commission Vice Chair Hillgren was absent. Mayor Pro Tem Hill arrived late.

4) APPROVAL OF MINUTES

The minutes of the May 29, 2013 meeting were approved as amended.

5) CURRENT BUSINESS

A. Coastal Zone Mapping.

Systems and Administration Manager Dan Campagnolo gave a presentation on how the Coastal Zone boundary was established, how it was interpreted by City staff in the past, how it is now being interpreted by Coastal Commission staff; and the areas where the two lines conflict.

In response to a question from Chair Edward Selich, Mr. Campagnolo explained the Coastal Commission can adjust the inland Coastal Zone boundary up to 100 yards landward and up to 200 yards seaward to avoid bisecting parcels or to

conform to natural or manmade features. A discussion ensued on how the Coastal Zone boundary should be adjusted. Chair Selich directed staff to prepare a map with recommended boundary adjustments; staff was further directed to investigate possible boundary adjustments in Mariner's Mile and Corona del Mar.

B. Follow-up on Draft Implementation Plan Administrative Chapters.

Planning Manager Patrick Alford provided additional information to questions on administrative chapters raised at the previous meeting:

1. Regarding the level of specificity needed for land use regulations and discretionary permits, Mr. Alford stated that after further investigation, he believed that references to Zoning Code discretionary permits could be left out of the Implementation Plan.
2. Regarding reasonable accommodations, Mr. Alford stated that most implementation plans do not provide for reasonable accommodations. He recommended not including such provisions in the Implementation Plan as it would present issues with the Coastal Commission. Assistant City Attorney Mulvihill commented that it remained to be seen whether the Coastal Commission would challenge the City's obligations to comply with state and federal law.
3. Regarding special events that may require a coastal development permit, Mr. Alford stated that the Parks and Senior Services reported that there were no regularly reoccurring special events that meet the criteria; however, he felt that there may be some events at the Newport Dunes beach that could require a permit because admission is charged.

A discussion ensued on events held at the Newport Dunes and whether they restrict access to the beach.

4. Regarding the coastal development permit required findings, Mr. Alford stated that after taking another look at other communities' findings, he determined that the proposed findings were adequate; he added that they could be made more specific if desired and cited examples from the City of Malibu.
5. Regarding coastal development permit exemptions, Mr. Alford provided clarification on exemptions for single-family dwellings, time-share conversions, maintenance dredging, and the repair and maintenance of piling.
6. Regarding public notice requirements, Mr. Alford reported that the Code of Regulations only requires notice to property owners and residents.

A discussion ensued on whether non-residential occupants should be notified as well. Staff was directed to limit notice to property owners and residents.

7. Regarding appeals of emergency coastal development permits to the Coastal Commission, Mr. Alford said the City is required to report emergency permits to the Coastal Commission, but this was for informational purposes only.

C. Newport Coast LCP

Mr. Alford stated that the General Plan amendment to transfer un-built, entitled hotel rooms in Newport Coast elsewhere in the City will also require an amendment to the Newport Coast LCP and the City LCP. He explained that the Coastal Commission staff may insist that the Newport Coast LCP be updated. Deputy Community Development Director Brenda Wisneski added that she spoke to Coastal Commission staff about simply adopting the County's document with minor changes to reflect the appropriate jurisdiction; she said that they had "concerns" about this approach.

A discussion ensued regarding the timing of the LCP certification, the General Plan Update, and the amendments to the respective LCPs. Chair Selich directed staff to prepare a flow chart with a timeline for these projects.

6) COMMITTEE ANNOUNCEMENTS OR MATTERS WHICH MEMBERS WOULD LIKE PLACED ON A FUTURE AGENDA FOR DISCUSSION, ACTION OR REPORT (NON-DISCUSSION ITEM)

Council Member Nancy Gardner requested that the Committee meet at an earlier time due to conflicts with other meetings. The Committee agreed to reschedule future meetings to 12:30 p.m.

Chair Selich announced that he will ask the City Council to amend the Committee charter to add an at-large member so that former Planning Commission Chair Michael Toerge could remain on the Committee.

7) PUBLIC COMMENTS

Mr. James Mosher commented that the meeting did not appear on the City's calendar. Mr. Campagnolo responded that the error had been corrected.

8) ADJOURNMENT

The meeting adjourned at 5:00 p.m.

Edward Selich, Chair

Attachment No. 2

Flow Chart

